

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETRÓLEOS DE VENEZUELA, S.A., PDVSA
PETRÓLEO, S.A., and PDV HOLDING, INC.,

Plaintiffs and Counterclaim Defendants,

- against -

MUFG UNION BANK, N.A. and GLAS
AMERICAS LLC,

Defendants and Counterclaim Plaintiffs.

No. 19 Civ. 10023 (KPF)

**SUPPLEMENTAL DECLARATION OF CHRISTOPHER J. CLARK
IN OPPOSITION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

CHRISTOPHER J. CLARK hereby declares, pursuant to 28 U.S.C. § 1746:

1. I am an attorney admitted to practice in this Court and a member of the law firm of Latham & Watkins LLP, 885 Third Avenue, New York, New York 10022-4834. I am counsel for Defendants and Counterclaim Plaintiffs MUFG Union Bank, N.A. (the "Trustee") and GLAS Americas LLC (the "Collateral Agent"), in their respective capacity as Trustee and Collateral Agent, under the Indenture dated October 27, 2016, and the Pledge and Security Agreement dated October 28, 2016, governing PDVSA's Senior Secured Notes due 2020, in the above-captioned case. I submit this declaration to place before the Court certain documents referred to in the accompanying Memorandum of Law in Opposition to Plaintiffs' Motion for Summary Judgment filed in this action on June 29, 2020.

2. Attached as Exhibit 384 is a true and correct copy of the webpage "Momentos decisivos en la Historia del Congreso venezolano (1830–1999) [Decisive moments in the history of the Venezuelan Congress (1830–1999)]," published by the Venezuelan National

Assembly on its website, in its original Spanish text, and a certified translation of the relevant portions thereof.

3. Attached as Exhibit 385 is a true and correct copy of the Brief for the United States as Amicus Curiae, filed in *Allied Bank International, Etc. v. Banco Credito Agricola de Cartago, et al.*, No. 83-7714 (2d Cir. July 30, 1984).

4. Attached as Exhibit 386 is a true and correct copy of an article titled “PDV Chief: Bond Swap Has Become ‘Political Issue,’” by Paul Sampson, published by Oil Daily, dated October 12, 2016.

5. Attached as Exhibit 387 is a true and correct copy of an excerpt from the Annual Report (Form 18-K) for the year ended December 31, 2015, filed by the Bolivarian Republic of Venezuela.

6. Attached as Exhibit 388 is a true and correct copy of a statement by the National Security Council titled “Statement from National Security Advisor Ambassador John Bolton on Venezuela,” dated January 11, 2019.

7. Attached as Exhibit 389 is a true and correct copy of the text of the presentation “Transition from Democracy to Tyranny Through the Fraudulent Use of Democratic Institutions: The Case of Venezuela,” by Allan R. Brewer-Carías, given at the *Clough Center for the Study of Constitutional Democracy*, Boston College, Boston, Massachusetts, on September 25, 2018.

8. Attached as Exhibit 390 is a true and correct copy of the Declaration of Luis A. Pacheco, filed in *Crystallex International Corp. v. Bolivarian Republic of Venezuela*, No. 17-mc-00151-LPS (D. Del. June 17, 2020), ECF No. 185.

9. Attached as Exhibit 391 is a true and correct copy of the Expert Declaration of Allan R. Brewer-Carías, *Crystallex International Corp. v. Bolivarian Republic of Venezuela*, No. 17-mc-00151-LPS (D. Del. June 17, 2020), ECF No. 187.

10. Attached as Exhibit 392 is a true and correct copy of the tweet from @ignandez posted on or about June 18, 2020 at 7:19 p.m., and the attached resignation letter from José Ignacio Hernández G. to Juan Guaidó, dated May 28, 2020, in their original Spanish text, and certified translations thereof.

11. Attached as Exhibit 393 is a true and correct copy of an excerpt from “Doctrina de la Procuraduría de la República 2006-2007 [Doctrine of the General Prosecutor’s Office of the Republic 2006-2007],” in its original Spanish text, and a certified translation of the relevant portions thereof.

12. Attached as Exhibit 394 is a true and correct copy of a document produced with bates beginning PDVHCITGO0002583.

13. Attached as Exhibit 395 is a true and correct copy of a document produced with bates beginning PDVHCITGO0002696.

14. Attached as Exhibit 396 is a true and correct copy of an article titled “Morales: ‘La division de poderes debilita al Estado’ [Morales: ‘The division of powers weakens the State’],” published by El Universal, dated June 24, 2012, in its original Spanish text, and a certified translation thereof.

15. Attached as Exhibit 397 is a true and correct copy of Defendants’ First Request for the Production of Documents, from *Petróleos de Venezuela, S.A. v. MUFG Union Bank, N.A.*, No. 1:19-cv-10023-KPF (S.D.N.Y. Nov. 25, 2019).

Dated: June 29, 2020
New York, New York

A handwritten signature in cursive script that reads "Christopher J. Clark". The signature is written in dark ink and is positioned above a horizontal line.

Christopher J. Clark